

06/03/09Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: A National Broadband Plan for Our Future, GN Docket No. 09-51

Dear Ms. Dortch,

I've been disappointed of late to learn net neutrality efforts in Congress are being left by the wayside and that people like Representative Conyers have apparently given up the fight.

Rational like: "a lack of abuse complaints" being one of the justifications for dropping the cause are being heard. This issue isn't really about what is happening now, it is about what will happen to the internet once the carriers are given free rein like the cable TV operators were given free rein.

This is about the kind of fist the Telcos have used to strangle phone and cellphone features over the past decades. For example, can anyone seriously defend the cost to the consumer of the trivial-to-support texting feature on cellphones?

And where is the flood of cell phone data service Sprint pledged in their Press Releases from the early days of their CDMA network?

Then there's ISDN -- Europe had it in a reasonable timeframe but we had to make do with 19.2K modems for remote computer communications until the successor to ISDN hit the scene.

So, we now have monopoly cable operators and no competition. The result is, we pay far more than other industrialized countrys for far less service. A few years ago a WSJ article reported the French were getting internet, TV and phone for the equivalent of \$40/month. I've paid \$200/month here in Albuquerque (Comcast and Sprint) for years.

But, you don't have to believe my interpretation. Just review the quotes from the major internet backbone carriers for the past decade! Those CEOs have made it plain they intend to slice

and dice the internet for their maximal profit.

It's their birthright to hear them talk about this issue!

Innovation and progress are the last, if any, concern to these organizations. The apparent goal is more pabulum for US citizens while the rest of the world goes on it's way.

What else can we expect from the corporate suits when they have opinions like:

"I'm a guy who sees nothing good having come from the Internet. Period."

Michael Lynton
CEO of Sony Pictures

One might even question the sanity of someone who would not only utter, but formally state this opinion.

How can our government allow one of the most amazing and useful government sponsored modern inventions on the planet to fall into the hands of the likes of Michael Lynton to become yet another ad swamp which makes commercial TV look like all program, no interruption?

Did you spend any time on AOL in the early 90s? You couldn't find the content for the onslaught of ads and offers.

Why is the Government developed Internet not a public utility?

In the face of corporate efforts to be the middle-man in our electronic conversations (I haven't even touched on privacy issues here), we need an unbreachable barrier against their efforts. If that means public regulation like we see for phone carriers and media conglomerates, then so be it.

I urge you to reject efforts by corporations to gain additional control of the internet. In fact I urge the reduction of the control they currently, and repeatedly, attempt to abuse.

We must return to the neutrality principles enjoyed in the Internet's early decades. These issues were discussed many times during the early years as various parties came to believe they weren't getting their fair share. In the end, each discussion came to the conclusion the carriers should and would carry each other's traffic without charge. After all, each carrier's customers already pay for their internet access/use.

I'd go so far as to say I'd be happy to see us return to common carrier status for the internet carriers if that's the only way to get a fair and level playing field for users, innovators and carriers of the internet. After all, none of the rest of the Telecommunications Act of 1996 happened. May as well ditch the change from common carrier status that has allowed the network neutrality principles to become an issue.

Please note, we used to get this issue right:

[...] messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the government shall have priority [...]

â€”- An act to facilitate communication between the Atlantic and Pacific states by electric telegraph, June 16, 1860

What's our problem these days? The above looks self-evidently correct and appropriate. Interestingly, no abuse complaints were required to figure out what was the right thing to do!

Let's avoid an obvious problem rather than assume we could

fix it later. "Fix it later" takes decades and more litigation than any of us want to contemplate.

There is really no fundamental difference between telegraph, phone, or internet traffic. All of these just pass messages end-to-end between enduser devices.

The internet just hauls more and bigger messages, faster, and the carriers are already being paid handsomely by their customers for the use of the mechanism that connects these end-users.

These carriers were allowed to build out their internet services without having to specify a level of performance their customers would receive. On broadband this has a particular problem of performance decreasing as the service comes into common/wide use. Many customers understood this but concerted efforts over the years to pin down just what the product provided were ignored by carriers and regulators. Now we have whining from the carriers that their resources are strapped. They made their bed as far as I'm concerned...

Repeat after me:

No fundamental difference...

No fundamental difference...

No fundamental difference...